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Mr. B. Edward McClellan
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Dear Mr. McClellan:

Please forgive the long delay in responding to your letter of December 10, 1982. A few days after receiving it, I left for a three-week vacation at the home of my wife's family in Singapore. When we returned on January 10, 1983, I had much work to catch up on, and I have been kept busy ever since.

You have requested documentation for my claim that Prof. Kurtz has used much of Harold Weisberg's material without attribution. I am detailing a few instances below, and will enclose appropriate pages from Weisberg's Post-Mortem. Because of time pressures connected with my law practice, I have not had time to cull all instances in which I believe Kurtz has relied upon Weisberg's work without following the normal ethical courtesy of citing it. However, I think these few examples will substantiate my point sufficiently.

At pages 69-70 of Crime of the Century, Kurtz deals with the official certificate of death by Admiral George Burkley, stating:

The second death certificate, and the official one, was written by Admiral George Burkley, the President's personal physician. Present both at Parkland Hospital in Dallas and at the autopsy, Admiral Burkley had the opportunity to see more of the dead body than anyone else. According to this death certificate, the president received a wound "in the posterior back at about the level of the third thoracic vertebra." Burkley's location of the wound corresponds exactly with the holes in the shirt and coat, the autopsy of the body, and the eyewitness observations.

The manner in which this death certificate was obtained by Harold Weisberg is detailed in Chapter 28, "An Original and Six Pink Copies," of Post-Mortem. This is the book which first brought this crucial record to light and discussed its significance. This passage by Kurtz is essentially a re-write of materials appearing in Post-Mortem at pp. 302-312. Two passages

appearing on p. 304 correlate to the first three sentences in the passage from Kurtz quoted above:

This, the only medical man in both Dallas and Bethesda, the man most required to know, the "Physician to the President", as he signed himself, described the so-called rear nonfatal wound as "in the posterior back at about the level of the third thoracic vertebra."

* * *

Here there is and can be no question. This is the official, federal certificate of death by the one man most uniquely in a position to know what did happen, the one man most qualified to execute the certificate.

At pp. 75-76, Crime of the Century states:

The slits on either side of the shirt, below the neck button and buttonhole respectively, do not correspond with each other, nor are they of the same size. The FBI falsely reported to the Warren Commission that "the hole" [sic] "has the characteristic of an exit hole for a projectile." Both openings are slits, rather than holes. One is about twice as long as the other. The nick on the left side of the tie knot could not have been made by a bullet exiting on the right center of the throat.

Again, Weisberg was the first to notice, call attention to, and discuss this important photographic evidence. See Post-Mortem, pp. 331-332, 597-598. The last sentence of the above passage from Crime of the Century is the same as that made at p. 353 of Post-Mortem; that is, it makes exactly the same point, albeit in reverse sentence structure:

The lie is in saying that a bullet that came right through the center of the shirt at the collar, at the collar button, could have caused a "nick" at the left extremity of the knot.

Post-Mortem, p. 353. (Emphasis in original)

At p. 154, Crime of the Century states:

On 14 March 1964, before the commission had heard most witnesses and before it had examined

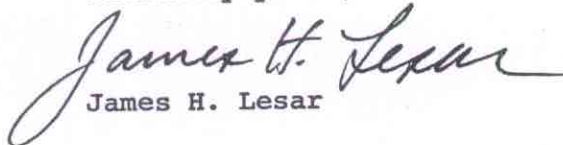
such crucial aspects of the case as the medical and ballistics evidence, a "Proposed Outline of Report of the Commission" was prepared by Commission Counsel Norman Redlich.

Proposed outlines for the commission's report are discussed and reproduced in Post-Mortem at pp. 494-499. At p. 494, Weisberg's comment on a commission outline by Alred Goldberg, which he notes is virtually identical to that submitted by Norman Redlich, is:

With none of the expert testimony taken, none of those "considerable confusions" even close to resolution, and indispensable scientific and ballistics tests not yet done, the Commission was already outlining its Report. How Rankin and the staff could know what the Report should say before any investigating was done is not explained here. Obviously, the conclusions were reached in advance of the "investigation." ***

If the above examples are not sufficient to persuade you that the phrase you have suggested emending should be allowed to stand as is, please let me know. You may phone me collect, if you wish. With the exception of February 14-16, when I may be in trial, I expect to be in my office most of the time.

Sincerely yours,


James H. Lesar